

**Notice of Allowability**

Application No.

10/694,537

Applicant(s)

TACKETT, DOUGLAS MAC

Examiner

Melvin A. Cartagena

Art Unit

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview March 1, 2006.
2. ☒ The allowed claim(s) is/are 1,2,4-12 and 14-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>03032006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph King on March 02, 2006.

The application has been amended as follows: claims 1, 8 and 14 have amended as follows:

1. A container for dispensing fluid comprising;  
a channel formed into a surface of said container and having a shape that generally follows a contour of said container, said channel positioned proximate to a threaded neck member having an orifice for dispensing a liquid, said channel having first and second openings formed in opposite surfaces thereof at a first end of said channel;

a one piece gate valve member slideably positioned in said channel wherein only a first end of said gate valve member is acutely angled with respect to a remaining portion of said gate valve, said acute angle formed in a first direction;

wherein said gate valve member further comprises a handle formed at a second end of said gate valve member said handle formed in a direction opposite said first direction; and wherein said gate valve member is composed of a resiliently deformable material operative to provide an interference fit for providing a seal between said gate valve member and said channel.

8. A two piece container and valve system for dispensing fluid, said system consisting of said container, and said valve, said system comprising;

a channel formed into a surface of a reservoir portion of said container, and having a shape that generally follows a contour of said container, a portion of said channel positioned under a threaded neck member, said channel having first and second openings formed in opposite surfaces thereof at a first end of said channel;

a one piece generally flat gate valve member slideably positioned in said channel, said one piece gate valve member having only a first end acutely angled with respect to a remaining portion of said gate valve;

a spring positioned in said channel between said generally flat gate valve member and said first end of said channel, said spring operative to position said gate valve member in a normally closed position thereby blocking a flow of fluid until said gate valve member is intentionally actuated by an operator;

wherein said gate valve member is composed of a resiliently deformable material that, in combination with said acutely angled first end is operative to provide an interference fit for sealing said gate valve member within said channel; and

wherein said first and said second openings are positioned under said threaded neck member.

14. A gate valve assembly reversibly attachable to a top portion of a container for dispensing fluid, said gate valve assembly comprising;

a coupling having means for reversibly attaching said coupling to said container;

a channel formed into said coupling, said channel having first and second openings formed in opposite surfaces thereof; a gate valve member slideably positioned in said channel;

wherein said gate valve member has retaining tabs protruding from opposing side surfaces of said gate valve member, said retaining tabs positioned entirely within said channel;

wherein said retaining tabs are entirely slidable within said channel;

wherein said gate valve member is composed of a resiliently deformable material operative to provide an interference fit for providing a seal between said gate valve member and said channel; and

wherein said means for reversibly attaching said coupling to said container is with a first set of threads, and further comprising a second set of threads formed on or in an end of said gate valve assembly opposite said first set of threads.

2. The following is an examiner's statement of reasons for allowance: Though the prior art indicates numerous aspects of the present invention, art was not found which disclosed a channel formed into a surface of said container and having a shape that generally follows a contour of said container with a one piece gate valve member slideably positioned in the channel, wherein only a first end of said gate valve member is acutely angled with respect to a remaining portion of said gate valve, said acute angle formed in a first direction and the gate valve member further comprises a handle formed at a second end of said gate valve member said handle formed in a direction opposite said first direction.

With respect to claim 14:

The gate valve member has retaining tabs protruding from opposing side surfaces of said gate valve member, said retaining tabs positioned entirely within said channel, together in combination with the other claimed features of the applicant's invention.

Art Unit: 3754

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin A. Cartagena whose telephone number is (571) 272-4924. The examiner can normally be reached on M-F (7:30AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAC 3/3/06  
MAC

  
**MICHAEL MAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**